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## Missouri Attorney General Enforcement Actions

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# Missouri Attorney General Enforcement Actions

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## DRINKING WATER

### *Franklin County Drinking Water System Sued for Not Complying with the Law*

Attorney General Jay Nixon has sued the owner and operator of a public drinking water system that serves the Charmwood subdivision near Stanton for violations of the Missouri Safe Drinking Water Act. The suit alleges that William S. Happel failed to obtain a permit for the system or pay laboratory service fees, collect and submit required samples for testing of bacteria, lead and radionuclides, and give public notice after samples from the system exceeded safe coliform levels.

Nixon said that the system consistently failed to meet even the minimum drinking water standards to protect human health. Nixon also believes that after numerous unsuccessful attempts by DNR to help bring the system into compliance, he is left with little choice but to bring a lawsuit to order compliance.

Nixon seeks a court order demanding that Happel upgrade the water system to meet state law. If the system is not upgraded, Nixon is asking the court order Happel to hook up to an available and safe public drinking water supply. Nixon is also asking for civil penalties and court costs from Happel.

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## WATER AND

## HAZARDOUS WASTE

### *Lake of the Ozarks developers sued for alleged water pollution violations*

Missouri Attorney Jay Nixon filed a suit against the developers of a Lake of the Ozarks subdivision for alleged violations of Missouri Clean Water Law.

Defendants, James R. and Mary E. McKee and Gerald D. and Gisela L. Hiland, are developers of Woodbridge Subdivision. Woodbridge Subdivision is located on Lake Road 5-89 in Camdenton.

Nixon alleges that the McKees and the Hilands violated state water pollution laws by developing, selling and leasing residential property near the lake without receiving approval for wastewater treatment facilities. The suit also alleges defendants' failure to install centralized sewers and a treatment facility for the subdivision and that this has created a public nuisance by using septic tanks as sewage disposal facilities near the lake.

Nixon claims a DNR geological inspection indicated that the developers needed to build a centralized sewage collection and treatment system in order to protect the groundwater around the development. The suit seeks a permanent injunction prohibiting the developers from any further violations of environmental law.

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## WASTE

### *Francois County Man Sued for Dumping Waste Tires Without a Permit*

Attorney General Jay Nixon is seeking an injunction against James Bruster Richards for dumping waste tires at three sites around Bonne Terre without a permit. Richards operates the sites under the name J.E.S. Trucking.

Nixon alleges Richards leased property from three local residents and dumped more than 7,000 tires on the property in violation of the Missouri Waste Tire Law. Failing to obtain an appropriate waste tire permit from DNR

and holding more than 500 tires for more than 30 days is illegal.

Nixon is seeking a permanent injunction against Richards which would require him to dispose of the tires, produce proof of removal to the DNR and bring the sites into compliance with the Missouri Solid Waste Law.

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## HAZARDOUS WASTE

### *Two Kansas City Manufacturers Settle After the Missouri Department of Natural Resources Found Alleged Violations of State Hazardous Waste Management Laws*

Master Pitching, Inc., which manufactures automatic baseball-pitching machines, and Durastill, Inc., which makes water-distillation units, paid \$28,000 in July in response to alleged violations of Missouri environmental laws. The manufacturers paid the \$28,000 to the Clay County School Fund and agreed to comply with the Missouri Hazardous Waste Management Law.

The Missouri Department of Natural Resources inspected the companies' jointly owned facility in January 1992 and found alleged violations for failing to: register as a hazardous waste generator, properly store their hazardous waste, determine if their waste was hazardous, have a hazardous waste contingency plan, and adequately train their personnel for hazardous waste management.

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### *Agreement to Clean up a Tire Dump*

Attorney General Jay Nixon and the Missouri Department of Natural Resources reached an agreement with Rita J. Volner of Leterville to remove approximately 4,000 waste tires from her property. Volner's property is next to the Johnson's Shut-In State Park. The tires were placed there by Rita J. Volner's now-deceased husband.

Volner will be complying with state

law which requires all waste tire sites with 500 or more tires to obtain permits from the Missouri Department of Natural Resources and such sites must comply with the Department's regulations. Failure to abide by this law may result in civil and criminal penalties.

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## *Agreement to Clean up a Tire Dump*

In March, Attorney General Jay Nixon filed suit for illegal operation of a tire site against R.V. and Mavis Wilson, owners of W & W Recycling in Campbell. Dunklin county Circuit Judge Stephen R. Sharp in December 1995, issued a permanent injunction that orders the owners of the illegal tire dumps to submit a plan for removing the tires. The Wilsons must submit a closure plan for each site to the Missouri Department of Natural Resources within 40 days of the judge's December 12 order.

One of the sites is located near Doniphan in Ripley County and contains approximately 12,000 tires. The other site is located near Wardell in Pemiscot County and contains approximately 2,000 to 3,000 tires. Nixon's lawsuit alleged that the Wilsons operated the two tires without a permit for a least two years.

The plans must include a schedule for closure and information about procedures used to remove the tires as well as proposed haulers and destinations of all tires leaving the sites. The order demands the completion date on the closure plan be made within eight months of the beginning date.

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## WATER AND AIR POLLUTION

### *Joplin Explosives Company Fined \$450,000 for Alleged Water and Air Violations*

Attorney General Jay Nixon fined ICI Explosives USA Inc. \$450,000 in civil penalties to resolve allegations of past water and air pollution violations which occurred at their Joplin plant. The company will pay \$300,000 to the Jasper County School Fund and \$150,000 to the Department of Natural Resources. Additionally, under the consent agreement with the Attorney General's Office and the Department of Natural Resources, ICI Explosives will complete several projects at the plant to meet state and federal water and air pollution standards.

ICI Explosives has undertaken several projects since being reissued its water and air permits by the state in 1991. These projects include construction of a wastewater treatment plant, and discontinuing some of its manufacturing processes in order to reduce the potential of accidental chemical releases into Grove Creek. The company also has changed its manufacturing operations and installed monitoring systems and scrubbers in an attempt to meet clean air standards.

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## MISLEADING ADVERTISING

### *Nixon Reached a Multistate Agreement with the American Plastics Council to Prevent Misleading Claims*

Eleven state attorneys general, including Missouri's Jay Nixon, reached a multistate agreement in December with the American Plastics Council to prevent misleading claims about the environmental benefits of plastics. Nixon was concerned that the plastic industry may have misled the public about the environmental impact of plastic products. For instance, a 1992-1993 advertising campaign asked consumers to "take another look at plastic." Nixon also objected to ads which encouraged consumers to bring along plastic goods when going on a picnic in order to "save the planet." Another ad showed an open refrigerator filled with plastic containers and claimed: "Your new carpeting may already be in your refrigerator."

Many plastic products are not recyclable in most areas. Under the multistate agreement, if an ad makes claims about recycling, the claims must apply to all the products shown in the ads, unless there is a clear disclaimer. Furthermore, every claim about environmental benefits must be supported by "competent and reliable evidence."

The agreement also requires that if the plastic products shown are not recyclable by facilities in the area, the ad must disclose this information. The American Plastic Council will pay \$10,000 to each of the eleven states involved in the investigation of its advertising practices. These states include California, Florida, Massachusetts, Minnesota, Missouri, New York, Pennsylvania, Tennessee, Texas, Washington, and Wisconsin.

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